AMENDMENTS TO THE DRAWINGS

Figure 1 of sheet 1 has been amended to include labels to block elements identified with reference numerals 2 and 4 as "sound source" and "filter," respectively. Figures 2 and 3 of sheet 2 have each been amended to label block 11 as "transmitter" and block 15 as "meter." Figure 6 of sheet 4 has been amended to label block 21 as "transmitter" and block 25 as "controller".

Attachment: Replacement sheets 1, 2, and 4.

REMARKS

Claims 1-10 were examined in a non-final office action dated September 26, 2006. The abstract stands objected to for containing legal phraseology. The drawings stand objected to because the block elements should be labeled. Claims 1-10 stand objected to for various informalities. Claims 6-8 and 10 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as anticipated by Emoto, U.S. Patent No. 5,572,443 ("Emoto").

The Objection to the Abstract Has Been Addressed.

The abstract stands objected to for including legal phraseology such as the words "means." The abstract has been amended to remove all legal phraseology. Withdrawal of this objection is respectfully requested.

The Objection to the Drawings Has Been Addressed.

Figures 1, 2, 3, and 6 stand objected to because "the block elements should be labeled." While applicant finds no requirement within the MPEP for block elements to be labeled with text (and the office action cites to none), attached to this response is a set of amended figures 1, 2, 3, and 6 that includes labels to the block elements. The drawings have been amended solely to move the prosecution forward, and no limitation should be read into this amendment purely of format. Withdrawal of this objection is respectfully requested.

The Objections to the Claims Have Been Addressed.

Claim 1 stands objected to because the Office asserts that the phrase "the resonant frequency" should be changed to 'a resonant frequency.' The edit suggested by the Office has been made.

Claim 4 stands objected to because the Office asserts that the phrase "a method" should be changed to "the method." The edit suggested by the Office has been made.

Claim 5 stands objected to because the Office asserts that the phrase "a method of selection" should be changed to "the method of detecting". Applicants respectfully traverse this objection. Claim 5 depends from claim 4, which recites a "method of selecting." Accordingly, the phrase "a method of selecting a resonant frequency according to claim 4" is correct. However, claim 5 has been amended to recite "the method of selecting a resonant frequency according to claim 4" for increased clarity.

Claim 6 stands objected to because the Office asserts that the phrase "the resonant frequency" should be changed to 'a resonant frequency.' The edit suggested by the Office has been made.

The Claims are Not Indefinite.

Claim 6 stands rejected as allegedly indefinite because the claim terms "a sound source means," "a signal synthesization switching means," and "a measuring means" all fail to recite a function to be performed. Applicant respectfully disagrees, because claim 6 recites many functions for these means limitations. While the functions as examined were not recited immediately following the introduction of these elements, there is certainly no requirement for such a claim format. However, simply to move forward with prosecution, claim 6 has been clarified to now to provide the function of the means limitations immediately following

the introduction of the means limitation. No limitation should be read into this amendment purely of format.

Claims 1-10 are Allowable.

Applicant respectfully traverses the rejection to independent claims 1 and 6 as anticipated by Emoto. Claim 1 recites, in part, a first amplitude frequency characteristic is a loud sound wave of a predetermined measurement signal, a second amplitude frequency characteristic is a loud sound wave of a synthesized signal containing the measurement signal and a signal output from the microphone, and detecting a resonant frequency in the resonant space based on a comparison between the first amplitude frequency characteristic and the second amplitude frequency characteristic. Indpendent claim 6 recites similar subject matter in a device claim.

Emoto, on the other hand, discloses an acoustic characteristic correction device configured to measure a collected sound wave obtained by generating a measuring signal using a device 10, reproducing the measuring signal using speakers 76, 78 located in a reproduction space, collecting the reproduced measuring signal using a microphone 72 located in the reproduction space, and computing a response characteristic on the basis of the collected sound wave. A user then sets a desired characteristic by operating an operation section 38 while watching a display section 40 of a remote control unit 14. The device then determines a correction characteristic as a comparison between the computed characteristic and the set desired characteristic.

While Emoto discloses measurement of "the collected sound wave" which might correspond to "the first amplitude frequency characteristic," Emoto fails to disclose measurement of a characteristic which corresponds to "the second amplitude frequency

characteristic". More specifically, Emoto fails to disclose synthesizing a measuring signal and an output signal from a microphone, and Emoto further fails to disclose outputting a loud sound wave of a synthesized signal from the speaker that contains the measurement signal and a signal output from the microphone. Of course, because Emoto fails to disclose the claimed second amplitude frequency characteristic, Emoto fails to disclose the step of detecting a resonant frequency by comparing the amplitude frequency characteristics of the two sound waves as is also claimed.

Emoto further fails to suggest the claimed detection of a resonant frequency. As describe above, the correction of a sound characteristic as disclosed by Emoto is completely different than the determination of a resonant frequency as recited in the present application. Emoto's device is different than the claimed device both in terms of the structures and the problems to be solved. Consequently, there is no suggestion within Emoto for the claimed method and device. Claims 1 and 6 are allowable over the art of record. Dependent claims 2-5 and 7-10 are allowable for at least the same reasons.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance. The Examiner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855 under Order No. 19036/41174.

Respectfully submitted,

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Attachments

APPENDIX INCLUDING

REPLACEMENT DRAWING SHEETS